

REMARKS

Claims 1-4, 6-15, 25-28, 30-33, 37-39, 42, 43, 45, 49-53 and 56-94 are pending in the above-referenced patent application. No claims have been added, cancelled or amended. No new matter has been added.

Claim rejections - 35 USC §103(a)

Claims 1-4, 8-15, 25-27, 30-33, 37-38, 42-43, 46, 49-52, 57-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al. (US 6212387) in view of Alapuranen et al. (US 20050136923). It is respectfully submitted that the Examiner has not established a *prima facie* case of obviousness. Regarding claim 1, the Examiner admits that McLaughlin does not disclose all of the limitations of claim 1. The Examiner has tried to cure this deficiency with the addition of Alapuranen. Generally, to qualify as prior art, a document must have been filed and/or published before the filing date of the present application. The Assignee respectfully points out that Alapuranen was filed February 7, 2005, as a continuation of an application filed May 2, 2001, while the present application was filed December 28, 2000, over 4 years before the Alapuranen document, and 5 months before the parent document of the Alapuranen document. The Assignee respectfully submits that Alapuranen is not prior art under any section of the law, regulations, and/or rules.

Since the Examiner has not established that McLaughlin teaches or discloses all limitations of claim 1, and Alapuranen is not prior art, the Assignee respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness as to claim 1. Thus, the Assignee respectfully submits independent claim 1 is allowable over McLaughlin and respectfully requests it be allowed. Furthermore, because dependent claims 2-4, 6-15, 25-28, 30-33, 37-39, 42-43, 45, and 49 depend from allowable claim 1, Assignee respectfully submits they are also allowable, and respectfully requests they be allowed.

Similarly, as to independent claim 50, the Examiner admits that McLaughlin does not disclose all of the limitations of claim 50. Again, as Alapuranen is not prior art, the Assignee respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness as to claim 50. Thus, the Assignee respectfully submits independent claim 50 is allowable over

McLaughlin and respectfully requests it be allowed. Furthermore, because dependent claims 51-53, and 56 depend from allowable claim 50, Assignee respectfully submits they are also allowable, and respectfully requests they be allowed.

Similarly, as to independent claim 65, the Examiner admits that McLaughlin does not disclose all of the limitations of claim 65. Again, as Alapuranen is not prior art, the Assignee respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness as to claim 65. Thus, the Assignee respectfully submits independent claim 65 is allowable over McLaughlin and respectfully requests it be allowed. Furthermore, because dependent claims 66-73 depend from allowable claim 65, Assignee respectfully submits they are also allowable, and respectfully requests they be allowed.

Similarly, as to independent claim 74, the Examiner admits that McLaughlin does not disclose all of the limitations of claim 74. Again, as Alapuranen is not prior art, the Assignee respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness as to claim 74. Thus, the Assignee respectfully submits independent claim 74 is allowable over McLaughlin and respectfully requests it be allowed. Furthermore, because dependent claims 75-84 depend from allowable claim 74, Assignee respectfully submits they are also allowable, and respectfully requests they be allowed.

Similarly, as to independent claim 85, the Examiner admits that McLaughlin does not disclose all of the limitations of claim 85. Again, as Alapuranen is not prior art, the Assignee respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness as to claim 85. Thus, the Assignee respectfully submits independent claim 85 is allowable over McLaughlin and respectfully requests it be allowed. Furthermore, because dependent claims 86-91 depend from allowable claim 85, Assignee respectfully submits they are also allowable, and respectfully requests they be allowed.

Similarly, as to independent claim 92, the Examiner admits that McLaughlin does not disclose all of the limitations of claim 92. Again, as Alapuranen is not prior art, the Assignee respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness as to

claim 92. Thus, the Assignee respectfully submits independent claim 92 is allowable over McLaughlin and respectfully requests it be allowed. Furthermore, because dependent claims 93-94 depend from allowable claim 92, Assignee respectfully submits they are also allowable, and respectfully requests they be allowed.

Claims 6-7, 18-19, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al. and Alapuranen further in view of Chavez et al. As submitted above, Examiner has failed to make a *prima facie* case of obviousness as to claims 6-7, 18-19, and 53-56. As outlined above, the Alapuranen is not prior art. As such, claims 6-7, and 18-19 depend from allowable claim 1. Assignee respectfully submits that claims 6-7, and 18-19 are also allowable. Similarly, claims 53-56 depend from allowable claim 50 for the reasons outlined above. Assignee respectfully submits that claims 53-56 are also allowable. For these reasons, Assignee respectfully submits that claims 6-7, 18-19, and 53-56 are allowable and respectfully requests they be allowed.

Claims 12, 28, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al. and Alapuranen further in view of Kao. As submitted above, Examiner has failed to make a *prima facie* case of obviousness as to claims 12, 28, and 39. As outlined above, the Alapuranen is not prior art. As such, claims 12, 28, and 39 depend from allowable claim 1. For these reasons, Assignee respectfully submits that claims 12, 28, and 39 are allowable and respectfully requests they be allowed.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al. and Alapuranen further in view of Ueno et al. As submitted above, Examiner has failed to make a *prima facie* case of obviousness as to claim 45. As outlined above, the Alapuranen is not prior art. As such, claim 45 depends from allowable claim 1. For these reasons, Assignee respectfully submits that claim 45 is allowable and respectfully requests it be allowed.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

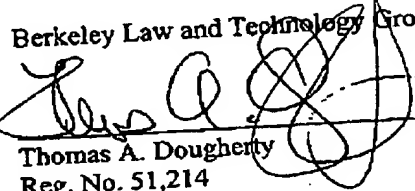
Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, Thomas A. Dougherty, at (503) 439-6500, if there remains any issue with allowance.

Respectfully submitted,

Berkeley Law and Technology Group, LLC

Dated: 1-24-06


Thomas A. Dougherty
Reg. No. 51,214

1700 NW 167th Place, Suite 240
Beaverton, OR 97006
503.439.6500